


Notice of Public Hearing of the Hearing Officer of The City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on October 10, 2019 at 9:30 a.m. in City Hall Room 190, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

	<p style="text-align: center;">Agenda Hearing Officer Public Hearing <i>City Hall Room 190</i> <i>One City Plaza</i></p> <p style="text-align: center;">Thursday, October 10, 2019, 9:30 a.m.</p>
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CALL TO ORDER

CONSENT CALENDAR — All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Hearing Officer or a member of the audience wishes to speak about an item.

APPROVAL OF MINUTES — AUGUST 8, 2019

WITHDRAWALS BY APPLICANT

1. **VAR-27565-2019:** This is a request by Brian Sankey, for a variance to increase the permitted height of a fence within the front yard setback, from 3' to 4'6", in the Low Density Residential (R-1-6) District. The property is located at 7955 E. 37th St, Yuma, AZ.

APPLICATIONS TO BE CONSIDERED

1. **TIMEX-27556-2019:** This is a request by Scott Audsley, on behalf of McDonald's Real Estate Company, for a one year time extension to a previously approved conditional use permit (CUP-23794-2018), to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1195 E. 16th Street, Yuma, AZ.

ADJOURN

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373-5149.

**Hearing Officer Meeting Minutes
August 8, 2019**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, August 8, 2019, at City Hall Room 190, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Pamela Walsma.

CITY OF YUMA STAFF MEMBERS present included Rodney Short, Deputy City Attorney; Agustin Cruz, Senior Civil City Engineer; Alyssa Linville, Assistant Director/Zoning Administrator; Chad Brown, Associate Planner; Yonina Rios, Administrative Assistant.

Walsma called the meeting to order at 11:02 a.m.

CONSENT CALENDAR

Walsma approved the minutes of May 23, 2019.

PUBLIC HEARINGS

VAR-26769-2019: *This is a request by FM Group, on behalf of Yuma Regional Medical Center for a variance to increase the permitted height of a personal wireless cell tower disguised as a palm tree ("monopalm") from 40 feet to 48 feet, in the Transitional (TR) District. The property is located at 2300 South Elks Lane, Yuma, AZ.*

Chad Brown, Associate Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

Walsma asked if the other cellphone tower located at that site was taller. **Brown** said yes, it was a 100 foot tall cell phone tower.

APPLICANT/APPLICANTS REPRESENTATIVE

Mike Campbell, 6880 W. Antelope Drive, Preoria, Arizona, said prior to the neighborhood meeting twenty-seven property owners were sent property owner consent documents in attempt for a Minor Variance. He said six of the consent documents were signed in favor and they did not receive any objections. **Campbell** said in the pre-development meeting staff said the addition of the cellphone tower would improve the existing cellphone tower and be beneficial to that location.

Walsma asked if the planner received copies of the signed consent documents. **Brown** said no, but he would take a copy of them.

Walsma asked the applicant if he understood the Conditions of Approval. **Miller** said yes.

OPEN PUBLIC COMMENT

None

DECISION:

Walsma granted the Variance subject to the Conditions of Approval in Attachment A, finding that the four criteria had been met.

Walsma adjourned the meeting at 11:09 a.m.

Minutes approved and signed this _____ day of _____, 2019.

Pamela Walsma, Hearing Officer



**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING
CASE TYPE – CONDITIONAL USE PERMIT TIME EXTENSION
CASE PLANNER: RICHARD MUNGUIA**

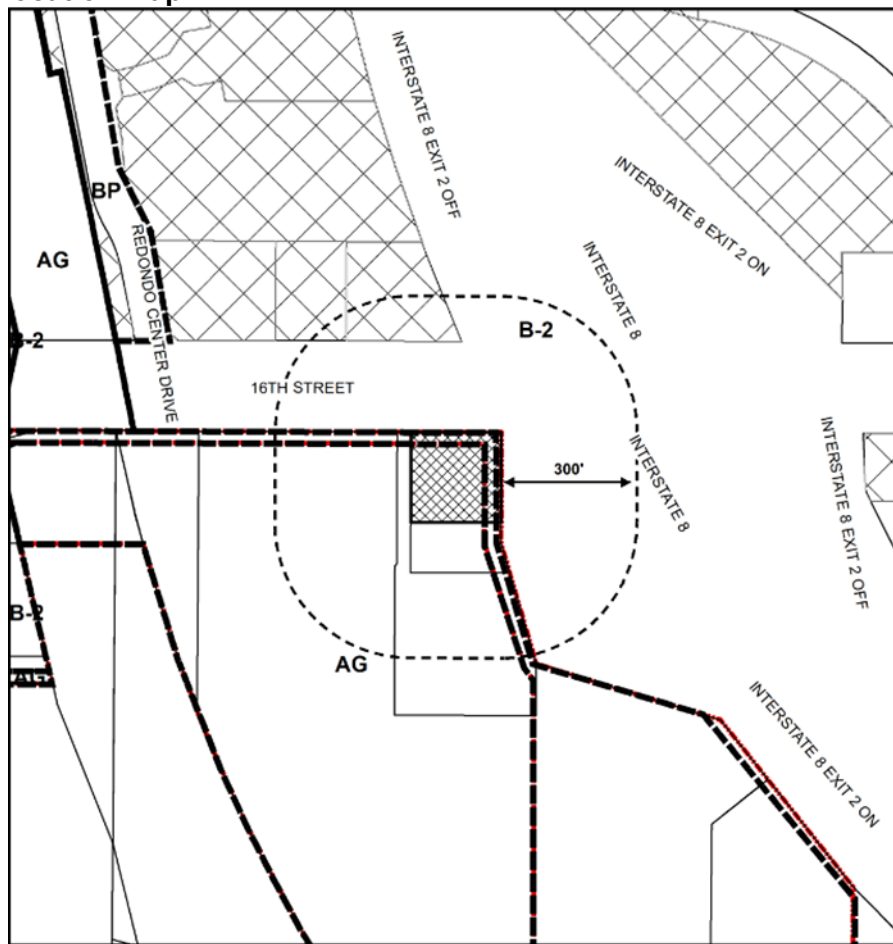
Hearing Date: October 10, 2019

Case Number: TIMEX-27556-2019

Project Description/Location: This is a request by Scott Audsley, on behalf of McDonald's Real Estate Company, for a one year time extension to a previously approved conditional use permit (CUP-23794-2018), to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1195 E. 16th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Aesthetic Overlay (B-2/AO)	McDonald's Restaurant	Commercial
North	General Commercial/Aesthetic Overlay (B-2/AO)	Applebee's Grill and Bar	Commercial
South	Agriculture (AG)	Undeveloped	Commercial
East	General Commercial (B-2)	Interstate 8	Commercial
West	Agriculture (AG)	Undeveloped	Commercial

Location Map:



Prior site actions: Pre-Annexation Agreement: AGR-23129-2018 (In process); Annexation: Ord. O95-85 (December 15, 1995); Rezone: ZONE-23131-2018 (November 21, 2018); Pre-Development Agreement: PDM-22712-2018 (July 2, 2018); Design and Historic Review: DHRC-23482-2018 (October 10, 2018), Conditional Use Permit: CUP-23794-2018 (December 10, 2018).

Staff Recommendation: Staff recommends **APPROVAL** of the one year time extension for Conditional Use Permit case # TIMEX-27556-2019 to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, subject to the conditions outlined in Attachment A, because the application for extension was filed with the appropriate fee prior to the expiration date of the original CUP approval and because there have been no changes in the circumstances, or the vicinity of the property, or use, which would render the previously approved conditional use permit inappropriate.

Staff Analysis: McDonald's is proposing a complete remodel of an existing restaurant. This remodel will meet the company's new design standards and is being rolled out nationwide for many older restaurants. One site modification being contemplated is the addition of a secondary drive-through lane. This proposed modification will significantly deviate from the existing legal, non-conforming site, and will require a Conditional Use Permit.

Many drive-through restaurants have begun the conversion to a double lane as the addition of the secondary ordering lane would substantially increase the capacity for vehicular traffic. In order to accommodate the additional drive-through lane, several parking spaces will need to be removed; the remaining spaces will meet the minimum number of spaces required per the code.

Based upon the use of the property as a restaurant, the parking requirements is as follows: one space for each 50 square feet of gross floor area where the public is served. According to the provided floor plan, the 1,470 square foot area where the public is served, would require a total of 29 parking spaces. The site plan indicates a total of 44 parking stalls on-site. In addition to the required parking for a restaurant, a drive-through facility servicing fast food must provide seven spaces of stacking for each service window. In terms of stacking, the site plan indicates capacity for 10 vehicles.

This request was previously approved on December 10, 2018. The applicant has stated that groundbreaking would not commence until sometime in the first half of 2020, and as such, a time extension for this Conditional Use Permit is required.

Public Comments Received: None Received

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Discussions with Applicant/Agent: September 25, 2019

Proposed conditions delivered to applicant on: September 25, 2019

Final staff report delivered to applicant on: October 2, 2019

- ☐ Applicant agreed with all of the conditions of approval on:
☐ Applicant did not agree with the following conditions of approval:
☒ If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. – Emailed Applicant, awaiting response

ATTACHMENTS:

A	B	C	D	E
Conditions of Approval	Site Plan	Proposed Elevation	Aerial Photo	Staff Research

Prepared By:
Richard Munguia
Senior Planner



Date: 09/25/19

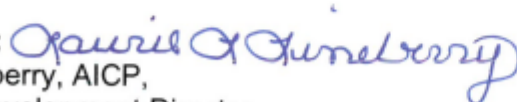
Richard.Munguia@YumaAZ.gov (928)373-5000, x3070

Reviewed By:
Alyssa Linville
Assistant Director, Community Development



Date: 09/30/19

Approved By:
Laurie L. Lineberry, AICP,
Community Development Director



Date: 9.30.19

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

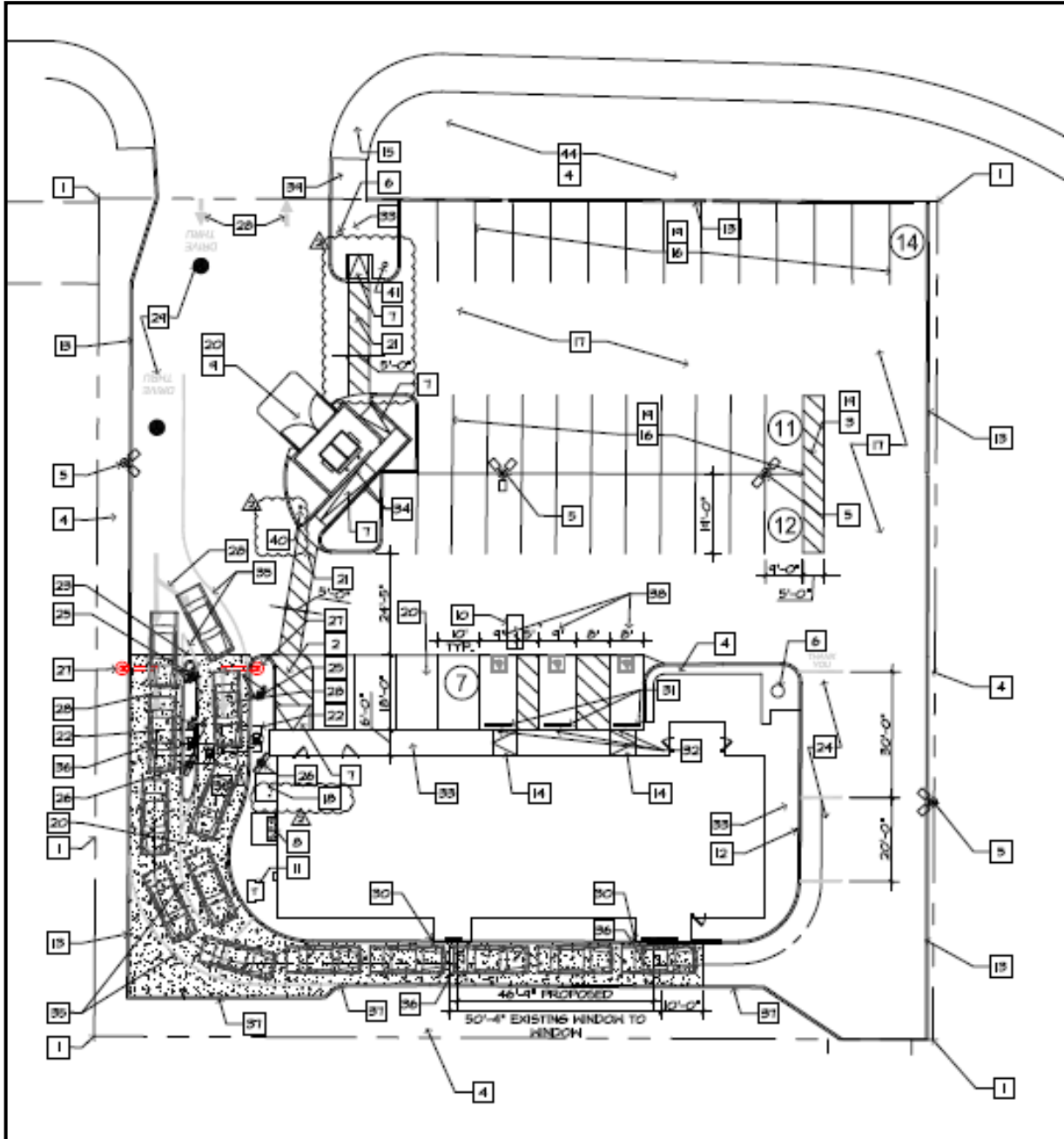
Community Development Comments: Laurie Lineberry, Community Development Director, (928) 373-5175:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

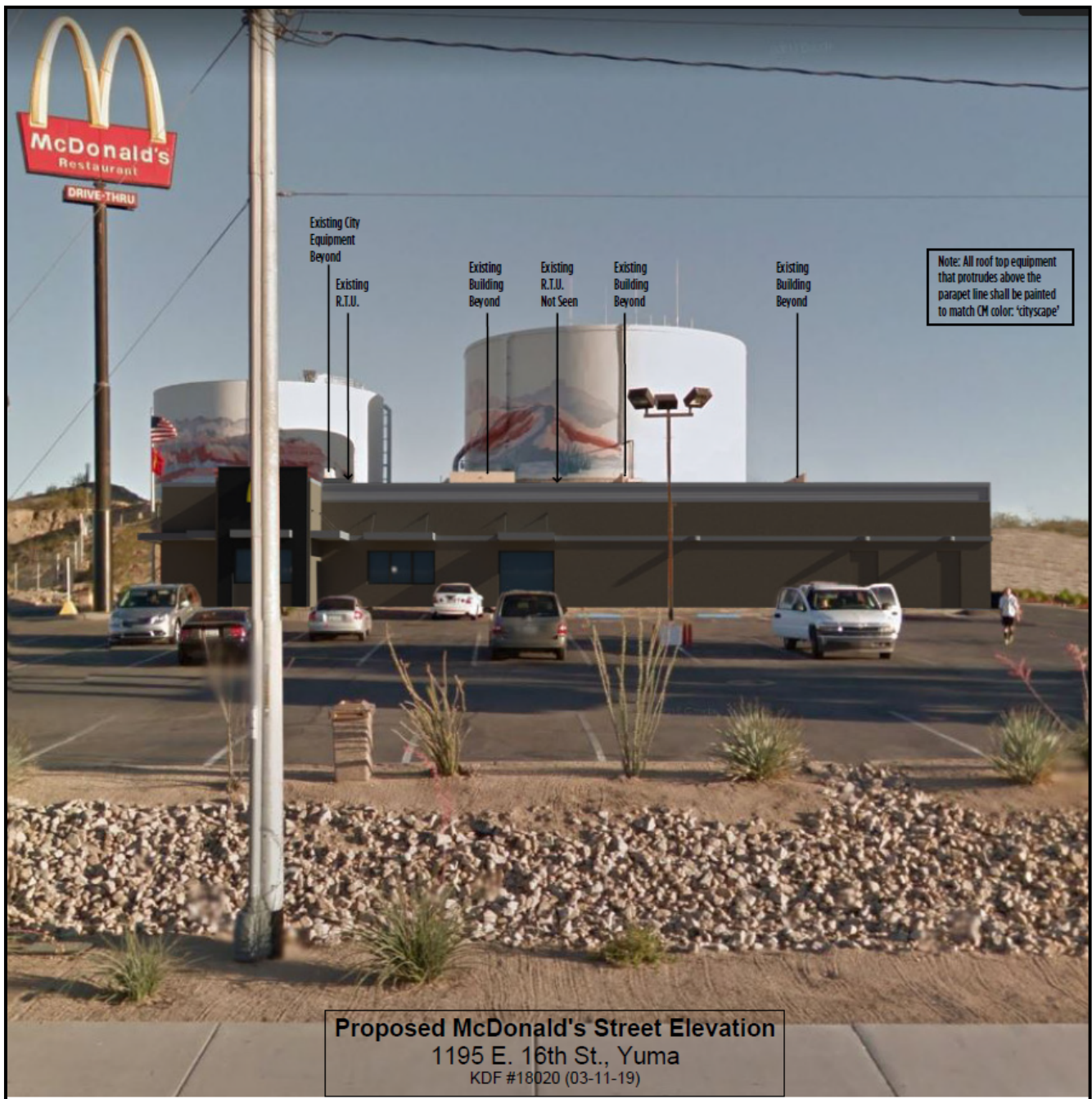
Community Planning, Richard Munguia, Senior Planner, (928) 373-500, x3070

3. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
4. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
5. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
6. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

ATTACHMENT B **SITE PLAN**



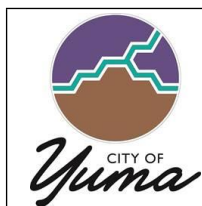
**ATTACHMENT C
PROPOSED ELEVATION**



ATTACHMENT D
AERIAL PHOTO



ATTACHMENT E
STAFF RESEARCH



STAFF RESEARCH – CONDITIONAL USE PERMIT

CASE #: TIMEX-27556-2019
CASE PLANNER: RICHARD MUNGUIA

I. PROJECT DATA

General Location:	Southwest corner of East 16 th Street and Interstate 8									
Parcel Number(s):	665-38-006									
Parcel Size(s):	40,000 square feet									
Total Acreage:	.91 ac									
Proposed Dwelling Units:	N/A									
Address:	1195 East 16 th Street									
Applicant:	McDonald's Real Estate Company									
Applicant's Agent:	Scott Audsley									
Land Use Conformity Matrix:	Conforms: YES X No									
Zoning Overlay:	Public	AO	X	Auto	B&B	Historic	Infill	None		
	Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone		

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Aesthetic Overlay (B-2/AO)	McDonald's Restaurant	Commercial
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South	Agriculture (AG)	Undeveloped	Commercial
East	General Commercial (B-2)	Interstate 8	Commercial
West	Agriculture (AG)	Undeveloped	Commercial

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes	X	No	AGR-23129-2018 (October 29, 2018)
Annexation	Yes	X	No	Ord. #O95-85 (December 15, 1995)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes	X	No	ZONE-23131-2018 (November 21, 2018)
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes	X	No	CUP-23794-2018 (December 10, 2018)
Pre-Development Meeting	Yes	X	No	PDM-22712-2018 (July 2, 2018)
Design Review Commission	Yes	X	No	DHRC-23482-2018 (October 10, 2018)
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee # 2018-27060

Land Division Status:	Legal lot of record			
Irrigation District:	Yuma Mesa Irrigation and Drainage District			
Water Conversion Agreement Required	Yes	No	X	
Adjacent Irrigation Canals & Drains:	None			

FACILITY PLANS

TRANSPORTATION ELEMENT:						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
	62' H/W ROW	100' H/W ROW	X			X
2009 Bicycle Facilities Master Plan	None					

YCAT Transit System	Green Route – 16 th Street at Redondo Center Drive				
Detailed Narrative	<p>McDonald's is proposing a complete remodel of an existing restaurant. This remodel will meet the company's new design standards and is being rolled out nationwide for many older restaurants. One site modification being contemplated is the addition of a secondary drive-through lane. This proposed modification will significantly deviate from the existing legal, non-conforming site, and will require a Conditional Use Permit.</p> <p>Many drive-through restaurants have begun the conversion to a double lane as the addition of the secondary ordering lane would substantially increase the capacity for vehicular traffic. In order to accommodate the additional drive-through lane, several parking spaces will need to be removed; the remaining spaces will meet the minimum number of spaces required per the code.</p> <p>Based upon the use of the property as a restaurant, the parking requirements is as follows: one space for each 50 square feet of gross floor area where the public is served. According to the provided floor plan, the 1,470 square foot area where the public is served, would require a total of 29 parking spaces. The site plan indicates a total of 44 parking stalls on-site. In addition to the required parking for a restaurant, a drive-through facility servicing fast food must provide seven spaces of stacking for each service window. In terms of stacking, the site plan indicates capacity for 10 vehicles.</p> <p>This request was previously approved on December 10, 2018. The applicant has stated that groundbreaking would not commence until sometime in the first half of 2020, and as such, a time extension for this Conditional Use Permit is required.</p>				
Exception to Development Standards?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NOTIFICATION

- Legal Ad Published: The Sun 09/20/19
- 300' Vicinity Mailing: 09/11/19
- 34 Commenting/Reviewing Agencies noticed: 09/11/19
- Site Posted on: 10/3/19

- Hearing Date: 10/10/19
- Comments due: 09/23/19
- Neighborhood Meeting: N/A

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority		09/12/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.		09/12/19	X		
Yuma County Planning & Zoning		09/20/19	X		
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.		09/12/19	X		
Yuma Irrigation District	NR				
Arizona Fish and Game		09/13/19	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration		09/16/19	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks		09/11/19	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire		09/12/19	X		
Randy Crist, Building Safety		09/12/19	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office		09/18/19	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A
Prop 207 Waiver	
Received by Owner's Signature on the application for this land use action request.	

Public Comments Received: None